

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**RUTH SMITH**, individually and on behalf of  
all others similarly situated,

*Plaintiff,*

v.

**SUNPATH, LTD.**, a Massachusetts corporation,

*Defendant.*

Case No. 1:22-cv-00081 (LMB/WEF)

**MEMORANDUM IN SUPPORT OF DEFENDANT SUNPATH, LTD.’S  
UNOPPOSED MOTION FOR RESETTING THE HEARING ON  
DEFENDANT SUNPATH, LTD’S MOTION FOR SUMMARY JUDGMENT**

Defendant, SunPath, Ltd. (“SunPath”), requests to reset the hearing on its Motion for Summary Judgment, ECF No. 65 and to modify the related briefing schedule. SunPath’s Motion for Summary Judgment is currently set for hearing on January 20, 2023. *See* Notice of Hearing on Motion for Summary Judgment, ECF No. 67. Plaintiff filed her Motion for Partial Summary Judgment with Respect to Count II of Her Complaint (“Plaintiff’s Motion for Partial Summary Judgment”) on January 6, 2023 and set it for hearing on January 27, 2023. *See* Plaintiff’s Motion for Partial Summary Judgment, ECF No. 73; *see also* Notice of Hearing on Plaintiff’s Motion for Partial Summary Judgment, ECF No. 75. These motions address a number of similar issues. Due to their similar issues and in the interest of conserving judicial resources, SunPath and Plaintiff agree it would be beneficial to have both motions heard at the same time. Therefore, SunPath requests that the hearing on its Motion for Summary Judgment be reset for January 27, 2023 at 10:00 a.m.

Given the similar issues in both motions, additional briefing time for the parties would allow them to present cohesive responses and replies to the Court. Therefore, SunPath is requesting the following modifications to the current briefing schedules:

- The deadline for SunPath's Reply in support of its Motion for Summary Judgment be extended to January 18, 2023 (currently set for January 13, 2023);
- The deadline for SunPath's Response in Opposition to Plaintiff's Motion for Partial Summary Judgment be shortened to January 18, 2023 (currently set for January 20, 2023);
- The deadline for Plaintiff's Reply in support of her Motion for Partial Summary Judgment be extended to January 26, 2023 (set for January 24, 2023, if SunPath files its Response in Opposition on January 18, 2023).

Dated: January 10, 2023

Respectfully submitted,

SUNPATH, LTD.

By Counsel

/s/ Carl Taylor Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused this Memorandum in Support of Defendant SunPath, Ltd.'s Unopposed Motion for Resetting the Hearing on Defendant SunPath, Ltd.'s Motion for Summary Judgment to be served upon counsel of record in this case via the U.S. District Court CM/ECF System on January 10, 2023.

/s/ Carl Taylor Smith  
Carl Taylor Smith